

REMARKS

Continued examination and favorable reconsideration are respectfully requested. Claims 20, 23-34, and 36-57 remain pending in the application. Claims 1-19, 21-22, and 35 were previously canceled without prejudice or disclaimer and claim 57 is withdrawn from consideration. No new matter has been added.

Rejection of Claims Under 35 U.S.C. §112, First Paragraph

Written Description and Enablement

At page 4 of the Office Action, claims 20, 23-34, 36-56 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The claims allegedly contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. For the reasons set forth below, Applicants respectfully traverse this rejection.

Contrary to the assertion in the Office Action, paragraphs [0063]-[0065] clearly support and fully enable a method that comprises configuring a detector at two different configurations and performing measurements on two components at each configuration, specifically, wherein an output signal representing a first component exceeds an upper limit of the dynamic range of the detector at the first configuration, and a second signal representing a second component is less than the lower limit of the dynamic range of the detector at the second configuration. The Examiner points to FIG. 13 in supporting the rejections under 35 U.S.C. 112, however, at least the embodiments shown in FIGS. 4A-4C and in paragraphs [0063]-[0065] of the present specification, alone support the claimed subject matter.

In the embodiment described in paragraphs [0063]-[0065], and as shown in FIGS. 4A-4C, “the strong component of the first measurement has [exceeded] the upper limit, and thus information about the strong component has been comprised or lost.” *See*, corresponding U.S. Patent Application Publication No. US 2005/0059017 A1, at page 6, right hand column, lines 11-15. Furthermore, the specification goes on to describe that in the embodiment “the weak component of the second measurement has gone below the lower limit, and thus information about the weak component has been comprised or lost.” *See*, page 6, right hand column, lines 22-26. Applicants earnestly solicit the Examiner to reconsider these rejections based on the portions of the specification identified herein. It is respectfully noted that paragraphs [0063]-[0065] were specifically pointed to at page 14, line 6, of Applicants’ Amendment filed on February 10, 2009.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Entry of this Request for Reconsideration after final rejection is respectfully requested because: (1) no amendments were made to the claims or to any other portion of the application; (2) no further searching is required; (3) no new issues are raised for consideration; and (4) it is believed that the application is in condition for immediate allowance. Entry and favorable reconsideration are respectfully requested.

CONCLUSION

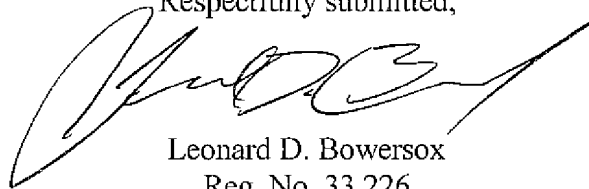
In view of the foregoing remarks, Applicants respectfully request favorable reconsideration of the present application and a timely allowance of the pending claims.

U.S. Patent Application No. 10/660,110
Amendment dated May 21, 2009
In Response to Office Action Mailed May 13, 2009

Should the Examiner deem that any further action by Applicants or Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

If there are any other fees due in connection with the filing of this response, please charge the fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Leonard D. Bowersox', is written over the typed name and registration number.

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